

## THE BYSTANDER



Cathcart's Puzzling Case.

The Way the Land Goes.

It Might Be Better.

Henry Hogan's Play.

What will be the standing of John W. Cathcart, county attorney-elect, when he is called upon to take the oath of office and file his bond on Monday, January 7, and he fails to appear? This is the question a good many people are beginning to ask and an answer will probably be demanded by interested persons before the qualifying day.

It is known that Mr. Cathcart named a deputy to represent him during his absence in Washington, but according to the way a good many read the law he might have spared himself this trouble, for the deputy named will not be allowed to act. The law provides for the appointment of a deputy, but he must be named by someone in office, not by someone who will be in office. It appears to be a fact that Mr. Cathcart has not yet taken his oath of office. Whether he might have taken it before he went away or not, had he thought of it, is disputable, the County Act being almost too general in its language. The clause dealing with this reads:

Before entering upon the duties of his office, each officer elected or appointed shall subscribe to the following oath or affirmation before some person duly qualified to administer oaths:

I solemnly swear in the presence of Almighty God that I will faithfully support the Constitution and laws of the United States of America and the Laws of the Territory of Hawaii and conscientiously and impartially discharge my duties as (County Attorney) of the County of (Oahu), Territory of Hawaii.

There is nothing in the quoted section to have prevented Mr. Cathcart from qualifying so far as the taking of the oath previous to his departure is concerned, but if he has taken it none know about it among his friends who were questioned yesterday. But in the filing and acceptance of his bond, which is necessary before he is fully qualified, he must await the swearing in and qualifying of the new Board of Supervisors, who alone are qualified to approve of and accept of it. Whether this bond can be filed by proxy or not is not stated in the statute, but the bond must be signed by the officeholder.

Any appointment of deputies therefore which Mr. Cathcart has made are void, there being no authority for him to make appointments until he has qualified himself.

And it is by no means improbable that the absence of Mr. Cathcart will imperil his right to the position. Under the provisions of the County Act all officers shall hold office until the election and qualification of their successors, but there is a most important exception to this. The incumbent of the County Attorneyship was elected at the special first election and his term expires without any possible extension at noon on Monday, January 7. This is stated in Section 51, Chapter 12 of the County Act, as follows:

The first election for County officers shall be held on the twentieth day of June, A. D. Nineteen Hundred and Five, and the officers so elected shall take office on the first day of July, A. D. Nineteen Hundred and Five, and shall hold office until twelve o'clock on the first Monday in January, Nineteen Hundred and Seven.

In this section which now applies there is no mention whatever of holding office until the qualifying of a successor. Thus, unless Mr. Cathcart has taken his oath of office, which is unlikely, and has already signed his bond and arranged for its acceptance by a Board of Supervisors which is not yet in existence, the office of county attorney will become automatically vacant on Monday of next week and an appointment will have to be made immediately by the Board of Supervisors.

The question which then arises is whether the Supervisors could name Mr. Cathcart for the vacant position in view of his absence and inability to qualify at once. It is not to be supposed that the office will be allowed to remain vacant for even a day. Such a thing would clog the wheels of justice and result in a serious state of affairs. In the police court, for instance, there would be no prosecuting attorney as the appointment of Frank Andrade would become void with the going out of office of Mr. Douthitt. The appointment of the other deputy named by Mr. Cathcart is voided already as there has never been any power conferred upon Mr. Cathcart to make such an appointment. This would seem to shut the present County Attorney-elect out of it altogether.

Nor is it within the province of the Board of Supervisors to make any temporary appointments, pending the return of Mr. Cathcart. Section 61 of the County Act, which provides for the appointment of officers says:

Vacancy in office occurring by death, resignation, or removal of an officer from the County shall be filled by appointment by the Board of Supervisors, . . . . . for the remainder of the unexpired term of such member.

For the remainder of the unexpired term in this case would mean until the successor of the appointee had been elected and had qualified two years from now. The quoted section does not specifically state what shall be done in the case of an officer not qualifying and the office becoming vacant through the lapse of an elected term. Such a contingency was not provided for unless the absence of the elected successor can be made to apply to the quoted section regarding the "removal of an officer from the County."

A gentleman named A. F. Carter bought the 21-year leases of Parker ranch land the other day, with the high approval of the G. R. Carter administration. Another gentleman named Gay, expects to acquire Lanai. Some months ago a fine piece of land on Kauai, capable of supporting a lot of American farmers, was turned over to a gentleman named Wilcox, in fee simple, if I remember aright. And so the feudal policy goes on, with never an attempt, meanwhile, to get a single American settler of the Wahiawa type from the mainland. Though the President may plant and Jack water, the increase always finds its way into the pockets of some land-magnate and, usually through him, to a corporation. For a thing that keeps the word of promise to the ear and breaks it to the hope, the land policy of Hawaii takes all the red ribbons. And if any citizen has the temerity to object to it by process of law he must take the risk of being sued for damages by a benevolent administration.

It makes me wish, sometimes, that Hawaii could have just five years of rule by a Federal Commission, every member of which came from the mainland. Five years would be enough, after which the territory and counties could resume business on a far better footing than now. That is to say they would have, from a vastly increased taxable area, more money to swing things with and a knowledge of what Americanism means which seems to be denied by 95 per cent. of the people, of American descent, born and brought up on this soil. Such a commission would begin to deal with the land in Uncle Sam's, not Kamehameha's way. There would be a rapid survey and the opening of a United States land office which would advertise all tracts of arable soil for sale (inalienable, perhaps, for a term of years) as fast as

## LITTLE TALKS

C. J. HUTCHINS—The grand jury will likely present a final report about Thursday.

DR. S. B. BISHOP—I judge from what I hear that the crater of Halemau-mau will fill up with lava.

ALBERT WATERHOUSE—Honolulu has Southern California skinned to death in the matter of roads.

GEORGE DAVIS—Yes, I'm after that drydock. Pearl Harbor! Not much. We want it right here.

J. S. MARTIN—The Japs have now got to making clothes. The sooner that war breaks out the better.

SENATOR DICKEY—I have only been inside a saloon once in forty years and I got in that time by mistake.

H. M. AYRES—A cat ate my canary yesterday, which suggests that a bird in the cage is worth two in the cat.

CAPTAIN STINSON—This is my first trip as captain of the W. F. Babcock and there doesn't seem to be any end to it.

REV. C. CHASE—I am just back from the volcano. Some fire is to be seen and the whole spectacle profoundly interested me.

C. H. ATHERTON—There's no doubt but that the Seamen's Institute will look after the old Sailors' Home affairs in future.

CUSHMAN CARTER—Oh I got out of the mining deal fairly well but there was a drop in the stocks from 70 to 20 in one day.

CAPTAIN CARTER—Some people seem to forget that a range light tower is as much a day mark as it is a night mark for incoming vessels.

JOHN MARTIN—The Anti-Saloon League isn't going to be beaten in all its cases. Some of these cafe joints are going to be made sick.

FIRST OFFICER BARNESON—If there was a drydock at Honolulu the Restorer wouldn't have to spend a couple of months away at Vancouver.

P. W. RIDER—The papers say I helped secure the evidence against the Wigwam saloon, but all I did was to carry a pail of beer to the County Attorney.

ACTOR HOLLIDAY—Yes, Mr. John Drew, the player, will pass through Honolulu, possibly on the Nippon Maru, but I am sure he will not make any stop here.

SECRETARY JACK—I never brought a ship into the harbor but I have come in on a canoe, on a surfboard and by swimming and I never went ashore on the reef once.

DOCK SUPT. WEEDEN—I am glad of being stationed in Honolulu. The condition of things just now in San Francisco is not such as makes life in that city very agreeable.

DEMOSTHENES LYCURGUS—The crater is still active and indications are that it will continue so for a while. The weather around the Volcano House has been very cold.

L. L. McCANDLESS—I don't want to see the cane fields cut up for small farms, but when it comes to lands outside the sugar plantations the planters should keep their mouths shut.

ANNE M. PRESCOTT—The editor who wrote that the January Times is "as cryptic as ever" ought to have a tonic or sedative (alternative, corrective); the strain on the whole system being so severe.

ALBERT WATERHOUSE—One of my fellow-passengers on the Mongolia asked me the first day he arrived here if I could get him a copy of the front-yard ordinance. He explained that the front yards of Honolulu premises were so admirably kept that he judged there must be a city ordinance in being.

POP SPITZER—These Christmases are no good. In past years a friend would drop around on Christmas eve and ask you to join him in a cold bottle and a long cigar. Now he buys a ten-cent horn and toots it all day in front of your store until you get so confused that you are likely to sell a \$5.14 suit for \$2.23 and enter it up as a pair of suspenders.

leases expire; and all tracts not under lease. The interest of American home-seekers, a big and inquisitive class which has been "going west" for 300 years and has now doubled on itself and is going north to Canada, would at once be enlisted. We should have the largest white migration here of any islands in the Pacific, except New Zealand. People would come to see the country in droves and every kind of business would feel the impetus. Instead of seeing wide areas of unoccupied fertile soil here, vacant highlands and the like, our Rip Van Winkles would soon wake up to see a land as fruitful and as well-populated to the square mile as southern France—a country of widely diffused wealth, of a "substantial middle-class" as the President calls it and one conducted not on the principle of "much for the few and little for the many" but of the "greatest good to the greatest number." I doubt that these results could possibly be had under our present form of government. They must originate among administrators who have no local strings on them who do not draw their private incomes from feudal Hawaiian corporations and who have no traditions, entanglements or political objects which could possibly confuse their ideas about what ought to be done for the Territory or which could be helped or hindered by local aid or opposition.

Genius nests in queer places sometimes and the latest incubating plant discovered is in a modest little office on Maunakea street. Here the latest thing in light opera is being written, a collaboration, entitled "If I Were Governor." One passing by the office would not suspect that there were any rivals of Gilbert and Sullivan in the neighborhood. He might suspect other things, but not that. The office is that of Henry Hogan, learned in the law. Henry has the front part of the office, that is. Other occupants ply their callings there. Willie Crawford has a rear room, his door bearing the sign that tells the world that a notary public and an issuer of marriage licenses is there. Henry Birbe sits behind a roll-top desk and writes his memoirs in another corner. A German scion of nobility, whose blue blood doesn't show in his face, has a radiance desk and a revolving stool and Colonel Knox, he of political fame, radiates words of welcome from a carved Chinese chair in the anteroom. Just what affairs of moment these last two named are engaged in at present it would be impertinent to enquire. It may be that from the Colonel the color for the opera is being drawn, but this is simply a guess. The rest is not.

The dramatic personae of the great lyric mentioned is recruited from the ones in the office and a few others. "If I Were Governor" is based on the election of Hearst as President and the nomination of Hogan to move his trunk into the Robin's Egg Blue chamber. Hogan does so and names his cabinet. To Crawford falls the Treasury, Birbe the Public Works so that he can work the public, and Knox wears the star of the High Sheriff. The play proceeds until Hogan mounts the steps of the Capitol to make his inaugural speech. From the high flag staff floats the emerald flag of Ireland and all are happy. Just as the orator gets into his stride the German dashes into the center of the stage and announces that the Japs have landed at Waimanalo and are marching the Pali over, yes.

Confusion reigns. The national guards under command of Sam Johnson—Colonel Jones being down with the measles—marches out to meet the foe. On the historic battle field of Kamehameha the armies clash, Hogan watching proceedings from the grandstand. The invaders push back Johnson's gallant men. The day is lost. But no. What comes? It is Willie Crawford and the gallant Colonel Knox bearing the Chinese dragon. The soldiers of the Mikado throw down their arms and Hogan gives one look at the dragon and swears off. Then all adjourn for the luau.

It is a pretty plot, well worked out. The first production will be at the Chinese theater, of which due announcement will be given.

## NO HISTORY BOOK BY THE GOVERNOR

"I hope that the Star does not represent Dr. Barton correctly," Governor Carter remarked yesterday afternoon, "or that the Doctor has not left the mid-Pacific station with the idea that I have engaged to write any extensive historical article."

"I confess to a discussion with Dr. Barton of matters exceedingly interesting in Hawaiian history. In parting he asked me if I would write a brief

statement of matters on the lines that we had been discussing for the Missionary Herald, the American Board of Missions' publication.

"I told him I should be glad to add my tribute to the work that the American Board did in sending the missionaries to Hawaii."

"That does not contemplate a history of Hawaii or an extensive article. I have too much to do."

When you suffer from heartburn take half a teaspoonful of bicarbonate of soda stirred in half a tumblerful of cold water. One doctor advises that a few bleached sweet almonds be eaten. They should be thoroughly masticated.

## TOPICS

TROPIC AND OTHERWISE.

H. M. AYRES.

There's a whole lot in a name when it's at the bottom of a cheque.

Quite a number of puppies ride in dog-carts.

"I beg your pardon," exclaimed the convict as the Governor passed by his cell.

Young mothers who boast of baby's early pronounciative ability would do well to bear in mind that Job cursed the day he was born.

"The Tie That Binds" was sung by the prisoners at their Christmas celebration. "Gates Ajar," however, is by far the most popular hymn at the penitentiary.

The world is full of kicks—  
The air of loud complaint,  
Because some things ain't what they seem,  
And some seem what they ain't.

The Panama difficulty.—How to keep the blessed thing in shape when it rains.

Inasmuch as a clergyman is referred to as a member of the cloth, a newspaperman might be fittingly mentioned as a member of the sheet.

One would think that Dum-Dum bullets would tell no tales.

There is a tide in the affairs of men which taken at the flood leads on to liquidation.

Could we but see ourselves as others see us, we should have a very poor opinion of other people.

Some people are full of vice, others of advice.

According to a mainland scientist the high price of wheat doesn't make bread rise any quicker.

While the match holds out to burn, the biggest drunk the key may turn.

Answer to query: Instances of artichokes having induced asphyxia are much rarer than appears to be generally supposed.

To the night watchman.—A nappy new year.

The following ad, appeared in a local paper last week:

If the woman (known) who took a purse from the counter of Isoshima's store on King street, this morning, will return the same to the Kaiulani Home, she will be rewarded.

This would appear to be a case where dishonesty is its own reward.

"I hear that Spendyt is paying his bills."

"Yes, he was always an eccentric fellow."

## RAYMOND-WHITCOMB

## PARTY IS COMING

Raymond & Whitcomb, the tourist agents, are advertising a tour to Hawaii under special escort, the party to leave San Francisco on the Oceanic liner Alameda on Saturday, March 9, leaving here for the Coast on the return trip on Wednesday, April 10. The Alexander Young Hotel is to be the headquarters of the party during its stay in Honolulu. There will be a trip to the Volcano as well as to other attractive places in the islands. The cost of the tour from San Francisco to Honolulu and back to San Francisco will be \$310.

## THE PANAMA CANAL CONTEST

The eighth count in this contest was made Friday evening, Dec. 28th, 1906, with the results as below:

High School.....	19884
Punahou .....	11622
St. Louis College.....	3941
Kaahumanu School.....	2765
Catholic Sisters School.....	2769
Queen's Hospital.....	3064
Kaula School.....	981
Normal School.....	695
Pauoa School.....	805
St. Andrew's Priory.....	570
Kulani School.....	155
Mills Institute.....	437
Kaumualili Lodge 5108, C. M. A. ....	167
Kaunapua School.....	33
Olive Branch Lodge.....	32
Pacific Rebekah Lodge.....	19
Iolani College.....	19
Mallie Lodge No. 4, K. of P. ....	5
Honolulu Engineering Ass'n.....	8

This contest will close Monday, Dec. 31st at 6 p. m. All coupons should be deposited at the office of the Hawaiian Gazette before that hour.

## THE DIVORCE LAWS.

Governor Carter has received a copy of the address and resolutions of the National Congress on Uniform Divorce Laws. Referring to the subject yesterday, the Governor expressed the opinion that the divorce laws of Hawaii were better than the average of such laws in mainland commonwealths. This was with regard to the objectionable features of divorce laws which form the occasion for the movement to obtain uniformity throughout the Union.

## CROUP.

A reliable medicine and one that should always be kept in the home for immediate use is Chamberlain's Cough Remedy. It will prevent the attack if given as soon as the child becomes hoarse, or even after the croupy cough appears. There is no danger in giving it to children, for it contains no opium or other harmful drug. For sale by Benson, Smith & Co., Ltd., agents for Hawaii.

## GIRL'S BRAVERY

## SAVED THE KINEO

June 10—This is the first day I have to write in my log since I began to take charge of the wheel. I have suffered terribly. Many times I could have cried; but then, sailors don't cry, and I was really the only sailor on the ship, for none of the others knew how to steer. I can't write any more tonight, but now that father is getting better I will have more time.

Thus wrote little ten-year-old Nellie May Patten, daughter of Captain F. W. Patten of the big seven-masted schooner Kineo, posting up her log after one of the most trying experiences and the greatest display of pluck and bravery ever recorded of a little girl. Lashed to the wheel of the great schooner she had guided it for four days through the thick of a hurricane. For two weeks she was the skipper of the vessel, the only soul on deck who knew anything of navigation, the one to whom the bearded sailors looked for orders and upon whose skill and judgment they depended.

Below deck lay Captain Patten, wounded by a splinter from the mainmast and worn out by the anxiety he had been put to through the scourge of beri-beri having broken out aboard his vessel. With him, nursing her husband and in desperate fear, lest the disease should also have seized him, was the mother. All depended upon the little girl lashed to the wheel, shouting out her orders and encouraging by her brave example the few sailors able to work.

Coffee and bread were served to her at her post and to the sailor lashed beside her, upon whose strength she depended in holding the wheel steady or turning it as she directed. The coffee and bread was not of the best, for one of the first of the crew to succumb to beri-beri was the cook. But the girl did not cry, sailors do not cry, not until her mother came on deck days later with the news that father was getting better and would be on deck in a few days. Then she sought her mother's lap and broke down.

The Kineo reached Philadelphia two hundred and eight days out from Hawaii, long after she had been given up as lost by the owners. Throughout the voyage the skipper's little daughter conscientiously kept a log—a continuation of the diary she had kept at home. Since the days of the Ancient Mariner, and maybe since the log of Noah, no more remarkable, more touching or more vital record of those who have gone down to the sea in ships has been written than that of this little ten-year-old skipper who saved the Kineo from certain destruction.—Condensed from S. F. Examiner.

## GRINDING AT PIONEER.

The Pioneer Mill on Maui has been grinding since November, and already a large area of ground has been stripped, the cane being floated in V-shaped flumes down the long slopes of West Maui, from some places going direct to the mill where the cane is shunted over a gridiron to get rid of the water. When it is too far off the cane drops into cars on the rails. Olowalu is in full swing and turning out a fine article of sugar.